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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 19 June 2017 from the Permanent Mission of Georgia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Georgia to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to enclose herewith the report of the Government of Georgia on the implementation of Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and 2321 (2016) (see annex).

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Annex to the note verbale dated 19 June 2017 from the Permanent Mission of Georgia to the United Nations addressed to the Chair of the Committee

Report of Georgia on the implementation of Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and 2321 (2016)

General information

In 2011, the Government of Georgia issued a decree on the establishment of the Intergovernmental Commission on the implementation of the Security Council resolutions. The Commission is chaired by the Secretary of the State Security and Crisis Management Council of Georgia.

In order to fully comply with the sanctions regimes imposed by the Security Council in its resolutions, the Commission is authorized to restrict the issuance of permits for the import, export, re-export, transit and temporary importation and/or exportation of the products subject to export and import controls.

The Commission and its working group are entitled to:

(a) Appear in court with a view to seizing the property of persons specified in the Security Council resolutions;

(b) In accordance with the Security Council resolutions and on the basis of the appeals made on reasonable grounds by relevant foreign or national authorities, compile a list of persons associated with terrorist activities and address the court for the seizure of the property thereof;

(c) Address the court in order to release seized property in the event that the owner thereof is removed from the sanctions list and/or is no longer associated with terrorist activities;

(d) Apply to the relevant state institutions with the demand that Georgian visas not be issued to persons on the sanctions list and that such persons not be admitted to the territory of Georgia;

(e) Monitor the implementation of the restrictive procedures imposed.

Procedure for the freezing of property

The procedure for freezing the property of physical and legal persons is regulated by the Administrative Procedure Code of Georgia.

The secretariat of the Commission updates the list of designated individuals and legal entities on a daily basis, on the basis of the information (listing and delisting) published on the website of the sanctions committees. The Commission sends a motion to the Administrative Chamber of Tbilisi City Court in order to freeze the assets of the individuals and legal entities designated by the Security Council in its resolutions.

In accordance with recent amendments, the court will review the motion of the secretariat of the Commission without delay and without an oral hearing (art. 2132, para. 1, of the Administrative Procedure Code). The motion submitted to the court does not need further consideration. The judge does not require further argumentation from the Commission. The court issues order(s) on freezing measures and sends one copy to the Commission to be submitted to the National Bureau of Enforcement, which is responsible for implementing the court decisions on the

freezing of the financial assets of designated persons. The Bureau lists all persons included in the court order in the Debtor Register.

Supervisory and monitoring mechanisms

The Debtor Register is a means applied prior to the enforcement of a fiscal suit. It is a systematized electronic database of individuals, legal entities and organizations, indicating the enforcement administration applied thereto since 1 January 2010. A person is registered in the Debtor Register the moment he or she becomes the target of an enforcement proceeding. The Debtor Register is available to the public and accessible from the Bureau website (https://debt.reestri.gov.ge/main.php?s=1).

Given that the data of the Register is public, the Bureau ensures that it is available (accessible) to State-registered agencies, banks and other institutions (including monitoring entities). Supervisory authorities and monitoring entities systematically check debtor lists and receive updates on designated persons.

Implementation of the sanctions regime imposed against the Democratic People's Republic of Korea

In order to implement the sanctions against the Democratic People's Republic of Korea pursuant to Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and 2321 (2016), relevant agencies are officially notified of any additional sanctions imposed against the Democratic People's Republic of Korea (resolution 2321 (2016)), including:

(a) Prohibiting the procurement of copper, nickel, silver and zinc, as well as vessels and aircraft;

(b) Reducing the number of staff at the diplomatic missions and consular posts of the Democratic People's Democratic Republic of Korea;

(c) Limiting the number of bank accounts to one per diplomatic mission and consular post of the Democratic People's Republic of Korea and one per accredited diplomat and consular officer of that country;

(d) Taking necessary measures to close existing representative offices, subsidiaries or bank accounts in the Democratic People's Republic of Korea.

The Government also notes that neither Georgia nor the Democratic People's Republic of Korea maintain diplomatic missions or consular services on each others' territory and that no working, official or diplomatic visits are carried out between Georgia and the Democratic People's Republic of Korea.

To remain in compliance with the Security Council resolutions, the Parliament of Georgia adopted the Law on the "Control of Military and Dual-use Goods". New legislation and military and dual-use goods lists (which are identical to the relevant laws and lists of the European Union) have enabled the Government to control the export, import, transit and brokering of and technology support for military and dual-use goods on the basis of modern European standards.

Over recent years, no permit has been issued for the Democratic People's Republic of Korea for the export, import or transit of the products specified in the list of military and dual-use products and provided for in the Law on the "Control of Military and Dual-use Goods".

The Commission applied to the Administrative Chamber of Tbilisi City Court to freeze the assets of individuals and legal entities of the Democratic People's

Republic of Korea (overall, 39 individuals and 42 legal entities), in accordance with the relevant Security Council resolutions.

All citizens of the Democratic People's Republic of Korea need a visa to enter the territory of Georgia irrespective of the kind of passport held. In the past year, six citizens of the Democratic People's Republic of Korea visited Georgia, but none of them were listed in the sanctions list. Each visitor was scrutinized against electronic databases at the border checkpoint. By the end of 2017, the Government plans to launch advance passenger information and passenger name record systems.

In addition, the list of all Ocean Maritime Management vessels, which represent an "economic resource" of the Democratic People's Republic of Korea and are subject to seizure pursuant to Security Council resolution 2270 (2016), has been disseminated to the relevant target agencies.